

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-32 are pending. In the present amendment, Claims 1, 4-6, 8, 25-27, and 30 are currently amended. Support for the present amendment can be found in the original specification, for example, at page 3, lines 19-26, in Figures 8-13 and their corresponding description, and in original Claim 1. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1 and 25 were rejected under 35 U.S.C. § 112, second paragraph; Claim 25 was rejected under 35 U.S.C. § 101; Claims 1-5, 7-10, 16-18, 24-27, and 30 were rejected under 35 U.S.C. § 102(b) as anticipated by Hartlepp (U.S. Patent No. 4,846,335); Claim 11 was rejected under 35 U.S.C. § 103(a) as unpatentable over Hartlepp in view of Abildgaard et al. (U.S. Patent No. 6,712,194, hereinafter “Abildgaard”); Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hartlepp in view of Pölling (U.S. Patent No. 6,135,262); Claims 19-23, 28, and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hartlepp; Claims 31 and 32 were allowed; and Claims 6, 14, and 15 were objected to, but indicated as including allowable subject matter.

Applicants acknowledge with appreciation the indication of allowed and allowable subject matter. However, as Applicants believe that independent Claim 1, from which Claims 6, 14, and 15 depend, recites allowable subject matter, Claims 6, 14, and 15 are maintained in dependent form at the present time.

Applicants wish to thank Examiner Hageman and Supervisory Patent Examiner Mackey for the courtesy of an interview granted to Applicants’ representative on April 15, 2008, at which time the outstanding issues in this case were discussed. Arguments and

amendments similar to the ones developed hereinafter were presented and the Examiners indicated that in light of these arguments, the amended claims would overcome Hartlepp.

Regarding the rejection under 35 U.S.C. § 112, second paragraph, Claim 1 is hereby amended as suggested in the Office Action. Additionally, Claim 25 is rewritten as an independent method claim, as also suggested in the Office Action. It is respectfully submitted that no new matter is added.

In view of amended Claims 1 and 25, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

Regarding the rejection of Claim 25 under 35 U.S.C. § 101, as noted above, Claim 25 is rewritten as an independent method claim. Thus, it is respectfully requested that the outstanding rejection of Claim 25 under 35 U.S.C. § 101 be withdrawn.

Turning now to the outstanding rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Amended Claim 1 recites:

A device for sorting products, comprising:

a plurality of supporting units adjacently arranged and configured to move in a direction of transport along a conveying path, each supporting unit including a conveying element configured to move along a guide extending according to said conveying path and at least one load carrying platform comprising a supporting surface for supporting a product, a support member supporting the supporting surface, and a tilting mechanism configured to tilt the supporting surface about an axis of tilt parallel to the conveying path with respect to the conveying element,

wherein the tilting mechanism comprises a drive device and at least two cams configured to be rotated by the drive

device about a common axis of rotation extending parallel to the axis of tilt when one cam of the at least two cams moves within a path of a camway so as to cause the support member to tilt about the axis of tilt between a neutral position and an extreme position, and the axis of rotation is spaced apart from said one cam by a distance, and

wherein the axis of rotation of the at least two cams is spaced apart from the axis of tilt of the supporting surface.

In the device for sorting products recited in amended Claim 1, the tilting mechanism comprises a drive device and at least two cams configured to be rotated by the drive device about a common axis of rotation extending parallel to the axis of tilt. Thus, the two cams recited in amended Claim 1 share a common axis of rotation. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 1.

Hartlepp describes an endless conveyor 26 including a conveyor 33 made up of cars 35 carried on a track 34.¹ Additionally, Hartlepp describes that cars 35 are tilted by a first roller 178 engaged in a slot 180 and connected to an arm 157 and a second roller 178 engaged in a slot 200 and connected to a second arm 157.² The Office Action equates the rollers 178 to the claimed cams.

However, it is respectfully submitted that Hartlepp does not disclose or suggest “the tilting mechanism comprises a drive device and at least two cams configured to be rotated by the drive device about a common axis of rotation extending parallel to the axis of tilt,” as recited in amended Claim 1.

Instead, as discussed during the interview, the first cam 178 and the second cam 178 each rotates around a *different* axes of rotation. Thus, the two rollers 178 do not both rotate around a common axis of rotation. Therefore, it is respectfully submitted that Hartlepp does not disclose or suggest every feature recited in amended Claim 1. Thus, it is respectfully

¹ See Hartlepp, at column 2, lines 65-68 and in Figure 2.

² See Hartlepp, at column 6, lines 26-30 and column 7, lines 11-29 and in Figures 7 and 8.

requested that the rejection of Claim 1, and all claims dependent thereon, as anticipated by Hartlepp be withdrawn.

Amended independent Claim 30, while directed to an alternative embodiment, recites features similar to those discussed above with respect to Claim 1. Therefore, it is respectfully requested that the rejection of Claim 30 as anticipated by Hartlepp be withdrawn.

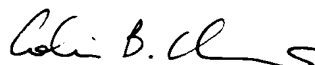
Amended Claim 25 recites, *inter alia*, a method for sorting products, including “rotating the at least two cams about the common axis of rotation to tilt the supporting surface such that the products can be sorted.” In view of the above discussion with respect to Hartlepp, it is respectfully submitted that Hartlepp does not disclose or suggest every feature recited in amended Claim 25. Thus, it is respectfully requested that the rejection of Claim 25 as anticipated by Hartlepp be withdrawn.

Turning now to the remaining rejections in the Office Action, Applicants respectfully submit that neither of the remaining secondary references (Abildgaard and Pölling) cure the deficiencies noted above with respect to Hartlepp. Therefore, for at least the reasons discussed above, it is respectfully submitted that Claims 11-13, 19-23, 28, and 29 define over all of the cited references. Thus, it is respectfully requested that the outstanding rejections of these claims be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Colin B. Harris
Registration No. 58,969